

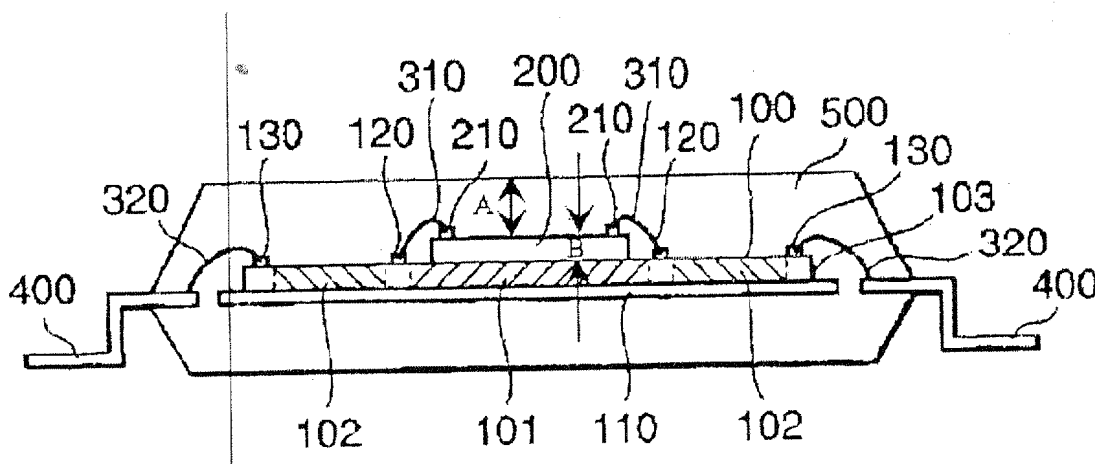
REMARKS

Reconsideration of the pending application is respectfully requested on the basis of the following particulars:

1. Amendments and Support for Same

By the Response, claims 1, 2, and 10 have been amended to more particularly point out and distinctly claim the subject matter of the invention. Support for the amended features can be found in, e.g., paragraph [0008] of the present specification which incorporates by reference and discusses Japanese Laid-open No. 2001-267488 to Ohie, which corresponds to US 2004/0262775.

New dependent claims 21 and 22 have been added to further complete the scope of protection to which Applicant is entitled. No new matter has been added. Applicant submits herewith a marked up drawing based on Fig. 2 of the present application illustrating the features of newly added dependent claims 21 and 22.



According to the marked up drawing, A is a distance between an upper surface of the second semiconductor chip and an upper surface of the resin, while B is a thickness of the second semiconductor chip. Accordingly, claims 1-22 are respectfully submitted for consideration. Approval and entry of the amendments are respectfully requested.

2. Rejections under 35 U.S.C. §103(a)

With respect to the rejection of claims 1-20 under 35 U.S.C. §103(a) as being unpatentable over Kawaishi (US 6,798,071) in view of Weiler (US 5,644,167), Applicant respectfully traverses the rejection at least for the reason that Kawaishi and Weiler, combined or separately, fail to teach, disclose, or suggest all of the limitation recited in the rejected claims.

Amended independent claims 1, 2, and 10 recite, among other things, a feature wherein the second circuit element area (i.e., region) includes a logic circuit that controls a memory circuit of the second semiconductor chip.

Applicant notes that the present invention is an improvement based on Japanese Laid-open No. 2001-267488 to Ohie, which corresponds to US 2004/0262775 and discussed in paragraph [0008] of the present specification. Ohie describes in paragraph [0069] and Fig. 4 in US 2004/0262775 that a first semiconductor chip (i.e., a lower chip) includes a logic circuit, and that a second semiconductor chip (i.e., an upper chip) includes a memory circuit that is controlled by a logic circuit. However, Ohie does not teach, disclose, or suggest a logic circuit located between the first electrode group and the second electrode group.

According to the presently claimed invention as amended, the influence of noise generated from the second wires may be suppressed on the logic circuit in the second circuit element area or region of the first semiconductor chip. Hence, the logic circuit properly controls the memory circuit while miniaturization of the semiconductor device is realized.

With respect to Kawaishi and Weiler, Applicant respectfully asserts that both references are silent regarding a logic circuit that controls a memory circuit of a second semiconductor IC chip, wherein the logic circuit is included in the second circuit element area or region as recited in the amended independent claims.

The requirements for establishing a *prima facie* case of obviousness, as detailed in MPEP § 2143 - 2143.03 (pages 2100-122 - 2100-136), are: first, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference to combine the teachings; second, there must be a reasonable expectation of success; and, finally, the prior art reference (or references when combined) must teach or suggest all of the claim limitations.

Further, according to MPEP §2141(I), Patent examiners carry the responsibility of making sure that the standard of patentability enunciated by the Supreme Court and by the Congress is applied in each and every case. The Supreme Court in *Graham v. John Deere*, 383 U.S. 1, 148 USPQ 459 (1966), stated:

Under § 103, the scope and content of the prior art are to be determined; differences between the prior art and the claims at issue are to be ascertained; and the level of ordinary skill in the pertinent art resolved. Against this background, the obviousness or nonobviousness of the subject matter is determined. Such secondary considerations as commercial success, long felt but unsolved needs, failure of others, etc., might be utilized to give light to the circumstances surrounding the origin of the subject matter sought to be patented.

Moreover, according to MPEP §2141(II), when applying 35 U.S.C. §103, the following tenets of patent law must be adhered to:

- (A) The claimed invention must be considered as a whole;
- (B) The references must be considered as a whole and must suggest the desirability and thus the obviousness of making the combination;
- (C) The references must be viewed without the benefit of impermissible hindsight vision afforded by the claimed invention; and
- (D) Reasonable expectation of success is the standard with which obviousness is determined.

As Kawaishi and Weiler, combined or separately, fails to teach, disclose, or suggest the amended features in combination with the remaining claimed features in independent claims 1, 2, and 10, the obviousness rejection is improper.

In view of the amendment and arguments set forth above, Applicant respectfully requests the Examiner to follow tenets A-D in relying on Kawaishi and Weiler in rejecting claims 1-20. Further, Applicant respectfully requests reconsideration and withdrawal of the §103(a) rejection of claims 1-20.

3. Conclusion

In view of the amendments to the claims, and in further view of the foregoing remarks, it is respectfully submitted that the application is in condition for allowance. Accordingly, it is requested that claims 1-22 be allowed and the application be passed to issue.

If any issues remain that may be resolved by a telephone or facsimile communication with the Applicant's representative, the Examiner is invited to contact the undersigned at the numbers shown.

The above amendment with the following remarks is submitted to be fully responsive to the Official Action of April 10, 2008. Reconsideration of this application in light of the amendment and the allowance of this application are respectfully requested.

Further, while no fees are believed to be due, the Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 50-4525.

Respectfully submitted,

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